

1 MCINTOSH - MARCH 4, 2014 - 11:00 A.M.

2
3 INFORMATION AND SCOPING MEETING FOR THE
4 MINNESOTA PUBLIC UTILITIES COMMISSION
5 AND
6 MINNESOTA DEPARTMENT OF COMMERCE
7
8

9 In the Matter of the Application of North Dakota
10 Pipeline Company, LLC for a Pipeline
Routing Permit for the Sandpiper Pipeline Project

11 MPUC DOCKET NO. PL-6668/PPL-13-474
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17 McIntosh Community Center
18 115 Broadway Northwest
19 McIntosh, Minnesota
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1 MS. TRACY SMETANA: Good morning
2 everyone, and thank you for coming. I probably
3 don't need a microphone in this room. I'm normally
4 fairly loud, I don't usually get asked to speak up,
5 but we'll go ahead and use it since it's here.

6 My name is Tracy, I'm with the Minnesota
7 Public Utilities Commission.

8 I'm just going to turn it off. People
9 can hear me, right? Okay. Very good. We'll do
10 without that, that's a lot easier.

11 Okay. So I'm Tracy Smetana, I'm with the
12 Minnesota Public Utilities Commission, and we're
13 here for the public information meeting for the
14 proposed Sandpiper pipeline route.

15 Brief agenda, what we'll be covering
16 today. Some introductions. We'll talk about the
17 pipeline route permit roles and process. I will ask
18 the company to provide a brief summary of the
19 project. We'll have Larry Hartman with the
20 Department of Commerce talk about the environmental
21 analysis process. And then we'll open it up for the
22 main event which, of course, is citizen comments and
23 questions.

24 So I just like to start out with a little
25 introduction on who is the Public Utilities

1 Commission anyway? 'Cause I can tell you, until I
2 applied for a job with the Public Utilities
3 Commission I had never heard of it. So we regulate
4 permitting for power plants, pipelines, transmission
5 lines. We also deal with services for local and
6 in-state long-distance telephone companies. And
7 rates and services for investor-owned electric and
8 natural gas utilities. So, for example, if those
9 electric and natural gas companies want to change
10 their rates they need approval from our office to do
11 that.

12 We have five commissioners that are
13 appointed by the governor, and they serve staggered
14 terms. So unlike some other agencies you might be
15 familiar with, where when we get a new governor we
16 get a whole new set of commissioners and
17 administration, ours are staggered. So we have some
18 that were appointed by Governor Dayton and some that
19 were appointed by governors prior.

20 For our commissioners, it is full-time
21 employment. So that's also slightly different from
22 some other government officials that you might be
23 familiar with. A small-town city council, for
24 example, they might have obligations for a few
25 meetings a month and they have a real job on the

1 side or what have you. For the commissioners this
2 is their real job, they're there full time. We also
3 have about 50 staff that do all sorts of things to
4 help them develop the record and make good decisions
5 in the regulatory framework.

6 A little bit more about who's who in this
7 process. Because, as you can imagine, there are
8 some different terms that we use and different folks
9 that are involved and it's helpful to know kind of
10 who's who as we move forward.

11 So first off, the applicant. That's the
12 term that we use to describe the company that's
13 actually asking for the project. So in this case
14 they're asking for a certificate of need and a
15 pipeline route permit, and in this case that's North
16 Dakota Pipeline Company, which you also might know
17 as Enbridge.

18 There are two different parts of the
19 Department of Commerce, another state agency that
20 we'll work very closely with who play a role in this
21 process as well.

22 The first is the Energy Environmental
23 Review and Analysis group, you might see that
24 abbreviated as EERA. And they are a state agency,
25 again, they conduct the environmental analysis, and

1 Larry Hartman with Commerce is here and he will talk
2 in greater detail about what that looks like for
3 this particular project.

4 The other part of the Department of
5 Commerce that plays a role here is Energy Regulation
6 and Planning. Their job is to represent the public
7 interest when utilities propose to make changes to
8 their rates, services, facilities and so on.

9 Later on in this process we'll be asking
10 the Office of Administrative Hearings to get
11 involved. You might see them abbreviated as OAH.
12 And they're, again, another state agency,
13 independent from the Commission and from the
14 Department of Commerce. There will be an
15 administrative law judge, here's another
16 abbreviation for you, an ALJ. They will hold
17 hearings, both public hearings, so we'll be back up
18 here again with the judge to get your input on the
19 project, both on the need and the route. Also, they
20 will collect facts from all of the parties -- so,
21 for example, the Department of Commerce, from the
22 company, and other folks -- and gather all of those
23 facts and ultimately write a report for the Public
24 Utilities Commission who then ultimately makes the
25 decision on the project.

1 At the Public Utilities Commission
2 there's two different folks that you might interact
3 with. The first is me, I'm the public advisor. My
4 job is to work with people, help you figure out how
5 this process works, where you plug in, when you can
6 plug in, what's most effective when you plug in. My
7 job is not to give you legal advice, my job is not
8 to be your advocate. My job is to help you get
9 information, figure out where to find it, and then
10 you can decide how you need to use that and where
11 you need to go with it.

12 My counterpart in this process is an
13 energy facility planner, and their job is on the
14 more technical side: Assist in collecting the facts
15 and building the record, advising the Commissioners
16 on the various alternatives, and what the sort of
17 consequences might be of different options
18 available.

19 So why is the Public Utilities Commission
20 involved in this particular project? Well, the
21 statutes and rules again talk about two different
22 pieces of this puzzle. One is the certificate of
23 need. And the reason they need a certificate of
24 need in order to build this project is because the
25 statutes and rules call this a large energy

1 facility. So it transports petroleum, the pipeline
2 with a diameter of six inches or more, and more than
3 50 miles in Minnesota. If all those things are true
4 then the laws and rules say they need a certificate
5 of need before they can build it. So we're going to
6 answer the question is this project needed, okay.

7 Now, the other piece of that puzzle is
8 the route permit. And, again, the statutes and
9 rules tell us if it's a diameter of six inches or
10 more and it transports hazardous liquid, then they
11 need a route permit from the Public Utilities
12 Commission before they can build anything.

13 I've included the citations for the
14 statutes and rules. I know for some that seems a
15 little overwhelming, but for some folks they want to
16 dig in a little deeper and learn about those things
17 so I like to provide that information for you.

18 So when the Public Utilities Commission
19 is making a decision about this project, and
20 particularly about the route, what are the things
21 that the Commission looks at? And the statutes and
22 rules tell us these are the factors you have to
23 consider.

24 So one thing to keep in mind here is the
25 statutes and rules don't rank these. You know, in

1 your head you might be ranking them as you're
2 looking at them, and the Commissioners' job is to
3 sort of rank them and decide which one outweighs
4 another in a given situation. So, human settlement,
5 the natural environment, historic and archeological
6 resources, the economy, including agriculture,
7 forestry, tourism, mining. We also want to look at
8 pipeline cost and accessibility. Use of existing
9 rights-of-way. So you might hear folks say, well,
10 there's already a pipeline here, or there's a
11 transmission line that goes here already so we want
12 to follow that line, so those are some things that
13 we look for as well.

14 We also want to consider cumulative
15 effects of future pipeline construction. And we
16 also want to make sure that it's in compliance with
17 other local, state and federal regulations. We
18 don't oversee everything that has to happen for this
19 pipeline to get built. So, for example, the DNR
20 might have a role in terms of the relationship to
21 waterways, but we don't oversee that. But we
22 certainly want to make sure, hey, company, you need
23 to comply with whatever the DNR tells you as we work
24 through this process.

25 So if you like pictures, this is a

1 picture of what the process looks like, and it's
2 kind of a broad overview. There are some baby steps
3 that happen in between, if you will. But this is
4 sort of a high level view of how things look for the
5 certificate of need.

6 Remember, I said there's two different
7 pieces. One is is the project needed. Part two is,
8 if it's needed, where does it go. So this is
9 talking about the need process.

10 So sort of the first step after the
11 company submits an application is application
12 accepted. And I know that term sounds confusing
13 'cause people will say, well, if it's accepted, what
14 are we doing here, isn't it already a done deal?
15 And the answer is no. Accepted just means they've
16 contributed all the information that we need to call
17 it an application so we can start our review
18 process. So when we say application accepted,
19 that's what it means, we can start the review
20 process. So part of that will involve reviewing the
21 facts of the case, the information the company and
22 others have provided regarding the need.

23 As I mentioned earlier, the
24 administrative law judge will get involved and hold
25 both public hearings and what we call evidentiary

1 hearings. And so the public hearings are just that.
2 We'll come out, folks will have an opportunity to
3 talk about all the information on the record in
4 terms of the need.

5 And then the judge will also hold what we
6 call evidentiary hearings. And that's a little bit
7 more formal process, where people will call
8 witnesses and cross-examine them and provide sworn
9 testimony and that type of thing. Those are open to
10 the public as well. Typically they are held in
11 St. Paul. The schedule for all these things has not
12 yet been set.

13 After the evidentiary hearings, then the
14 judge is going to take all the information that's
15 been gathered through the earlier part of the
16 process and write a report that will include some
17 recommendations for the Public Utilities Commission.
18 And ultimately, down at the bottom here, it's the
19 Public Utilities Commission that makes that
20 decision, is the project needed based on all the
21 information that's been contributed to that record.

22 And as I said, the schedule has not quite
23 been established yet, but we're anticipating that
24 from box one to box decision, that it'll be about 12
25 to 15 months, okay. I guess that's a ballpark.

1 Now, the other piece of that puzzle is
2 the route permit process. And you see it looks
3 rather similar to the slide we just had up there,
4 but we have the added little section here that talks
5 about alternative routes and the environmental
6 analysis of those routes. And, as I said, Larry
7 Hartman from Commerce is going to talk in more
8 detail about what that piece of the puzzle looks
9 like.

10 And then what's going to happen is when
11 we get down to this public hearings, the evidentiary
12 hearings, those two processes are going to come back
13 together. So when we come back to the public
14 hearings, the idea is it would be about both the
15 need and the route, so then the procedures can move
16 forward together. It makes it a little bit more
17 efficient for us and for you if you want to attend
18 the meetings. You don't have two sets of meetings,
19 you just have one set of meetings where you can talk
20 about the entire project instead of bits and pieces.

21 Okay. Now, if you like a list better
22 than a picture, this is the estimated project
23 timeline. And, again, emphasis on estimated. The
24 schedule has not yet been established. But based on
25 our experience with these projects and what the

1 rules and statutes require, this is our best guess
2 about when things might happen, okay.

3 So you can see we're right here. The
4 public information meetings in March. There is a
5 comment period that ends April 4th. From there the
6 Public Utilities Commission will make a decision
7 about which route alternatives will be on the table
8 and kind of moving forward for further analysis. We
9 expect that will happen maybe in May.

10 From there, there will be an
11 environmental analysis published, probably around
12 September. The public hearings and evidentiary
13 hearings likely this fall, October-ish, perhaps. We
14 expect the administrative law judge report in
15 December, and then Commission decision in January
16 2015. Again, it's our best guess.

17 So as far as participating in the
18 process. One of the ways that we do that, of
19 course, is inviting you to come in and speak at a
20 meeting like this. Another way that we do that is
21 by asking for written comments. And so for folks
22 that couldn't attend today, they maybe want to send
23 in a written comment, or down the road there may be
24 opportunities where we're not holding a meeting, but
25 we're saying, hey, we're looking for help on

1 answering some questions, you know, folks, help us
2 out.

3 And so when we issue what we call a
4 notice of comment period, this is an old one from
5 earlier in this case, but I thought it would be an
6 example of elements you want to look for so you can
7 understand what you're seeing when you read these.

8 So the first key is the PUC docket
9 number. That's sort of the key to everything in our
10 system. So like if you worked in human resources
11 the employee ID number might be the key to all of
12 your staff, so you can identify them and keep track
13 of them. For us it's the docket number. And with
14 this particular project, as I said, there's two
15 different pieces, the need and the route. And so
16 there's a different docket number connected to each
17 one of those. So those are key pieces of
18 information. And when you communicate with us it's
19 very helpful for you to include those to make sure
20 they get attached to the right docket, the right
21 project.

22 The other thing that's important is we'll
23 identify a comment period. You know, we're not just
24 going to ask you an open-ended question and leave
25 that window of opportunity open forever and ever and

1 ever, we need to move on to the next step in our
2 process. And so we will have an end period for
3 comments. So if your comments come in after that
4 end period, they're not likely to be considered
5 because we've already moved on to work on the next
6 step. So that's another key piece of information.

7 Now, the last piece that you'll want to
8 pay attention to here is the topics open for
9 comment. As we move through the process there's
10 various things that we're looking for at different
11 points in time. And so you can see at this point in
12 time, back in November and December, we were looking
13 for information on is this application complete on
14 the route side and the need side. You know, if
15 somebody sends us comments about those issues today,
16 it's not really useful because we've already made a
17 decision about that and we've moved on, okay. So
18 it's important to take a look at what are the
19 questions that we are looking for answers to right
20 now and focus your comments on those points.

21 So one of the other things we're going to
22 be talking about today is ways to submit alternative
23 routes and route segments. And I'm not going to go
24 into a lot of detail on this because that's sort of
25 the meat of Larry's presentation. But they do need

1 to be submitted by April 4th. And as I mentioned
2 earlier, ultimately the Public Utilities Commission
3 will determine which of those sort of move forward
4 for further analysis and consideration.

5 And for those that really want to dig
6 into the rules and regulations, I've included the
7 rule here as well. And those are available on the
8 web and also typically at your public library if you
9 want to look at those.

10 Now, if you're looking to stay connected
11 to this process and you're saying, huh, I want to
12 get more information, I want to know how I can learn
13 more, there's a few different ways you can do that.
14 One is you can see all documents related to this
15 project. Now, for some folks that can be kind of
16 overwhelming and, to be honest, not super
17 user-friendly, because it was designed for us to
18 use, for the company to use. It wasn't necessarily
19 designed with, hey, we think everyday people are
20 going to want to look at this, too. But it's our
21 official record, so everything is in there. So if
22 you really want to dig in and you want to see
23 everything, this is how you do it.

24 I did also provide the screenshot of what
25 it looks like, just because people do say, oh, I

1 couldn't figure out what to do, or it didn't seem
2 very user-friendly, so I thought if you have a
3 picture of what it looks like and what you're
4 supposed to enter in there, that would be useful.

5 We also have a project mailing list. So
6 if you don't want to go back to that source and say,
7 hey, is there anything new, let me check up on
8 what's going on, we have a project mailing list
9 where you can get information about meetings coming
10 up, comment periods coming up, when the
11 environmental analysis is done, some of those key
12 points along the way. We have a project mailing
13 list you can sign up for. There were orange cards
14 out at the table when you came in if you'd like to
15 sign up for that. If you don't take one today and
16 you decide later, huh, I really should have done
17 that, you can certainly contact our docketing
18 experts that maintain the list and their information
19 is included here, or you can contact me and we'll
20 make sure you get added to that list.

21 Now, if you think, huh, just getting
22 information about meetings and notices and sort of
23 those key points isn't really enough for me, I want
24 to know more, I want to know when everything
25 happens, we have a subscription feature where you

1 can sign up to receive an e-mail notice every time
2 something new comes in. So what's going to happen
3 here is you have to like e-mail, okay. The other
4 thing is it could be a lot of e-mail and so
5 sometimes people say, well, that's way too much,
6 information overload, this is not for me. And you
7 can always cancel your subscription, if you started
8 out and you find it's a little bit overwhelming.
9 And certainly if you have questions, you know, you
10 can contact anyone on our team to get information as
11 well.

12 And this is just a screenshot of what
13 that subscribe feature looks like. It's not super
14 user-friendly, and so this is how you would go ahead
15 and enter your information to subscribe to this
16 particular project.

17 And as I mentioned earlier, at the Public
18 Utilities Commission there's a couple different
19 folks you might interact with. The first is me,
20 Tracy, the public advisor. And then my counterpart,
21 the energy facility planner, is Scott Ek, he's not
22 here today. But I do also have another counterpart
23 with me today, Brian Swanson, who you met on the way
24 in, probably, at the desk out front.

25 And, with that, I'm going to turn it over

1 to the applicant.

2 MR. BARRY SIMONSON: Thanks, Tracy.

3 Welcome, everyone, to Macintosh, and our
4 presentation here today with regard to the Sandpiper
5 Pipeline.

6 My name is Barry Simonson, I'm with
7 Enbridge, I'm the manager of our main line execution
8 team out of Superior, Wisconsin. I have a panel of
9 colleagues to my left. And perhaps we'll go through
10 a quick introduction, give your name and function
11 with Enbridge before I get started.

12 MR. JOHN PECHIN: Sure. I'm John Pechin,
13 I'm the Bemidji area operations manager.

14 MR. ART HASKINS: Hello. My name is Art
15 Haskins, I'm the emergency response coordinator for
16 the North Dakota region.

17 MR. MIKE BRADBURN: Hello, I'm Mike
18 Bradburn, and I'm the land services supervisor for
19 U.S. projects.

20 MS. SARA PLOETZ: Good morning, my name
21 is Sara Ploetz, I'm with Enbridge's environment
22 group.

23 MR. GREG SCHELIN: Hello. I'm Greg
24 Schelin, I'm manager of facility execution for
25 Sandpiper.

1 MR. MARK CURWIN: I'm Mark Curwin with
2 our major projects execution management team out of
3 Superior.

4 MR. JOHN GASELE: Hi, I'm John Gasele,
5 I'm an attorney with the Fryberger law firm in
6 Duluth. And I'm here to help the company with the
7 application process.

8 MR. BARRY SIMONSON: Okay. Thanks.

9 So the Sandpiper Pipeline Project, which
10 Enbridge has undertaken, consists of approximately
11 616 miles of pipeline starting from western North
12 Dakota, traversing easterly to Clearbrook, and then
13 south and then east all the way into the Superior
14 terminal.

15 In terms of Minnesota, from the border to
16 Clearbrook, the pipeline is 24 inches in diameter.
17 And then from Clearbrook to Superior, approximately
18 225 miles, or I should say to the border of
19 Wisconsin and Minnesota, 225 miles of 30-inch
20 diameter pipeline.

21 In terms of planning, at this point in
22 time we've gone through many, many hours and months
23 of environmental surveys, civil surveys, detailed
24 design internally, as well as preparation for
25 environmental and regulatory permits such as North

1 Dakota PSC -- North Dakota PSC and Minnesota PUC and
2 other various environmental departments that are
3 associated with the project.

4 In terms of construction, we're looking
5 at a potential late 2014, '15 construction, as well
6 as predominantly 2015 construction in the state of
7 Minnesota. The in-service date of this project is
8 first quarter of 2016.

9 In terms of routing the pipeline, there
10 was mention before of collocating or routing
11 pipeline with other utilities, and that's what our
12 intention was with this project. And in looking at
13 that map, it's not visibly showing, but there's
14 approximately 75 percent of our route that's
15 collocated with either Enbridge-owned assets or
16 other utilities. And at the bottom, the budget for
17 this project is \$2.6 billion dollars.

18 This map shows more of just the state of
19 Minnesota. As you can see, just the green -- there
20 we go. So from the border to Clearbrook there's an
21 existing line 81, which is operated by NDPL, and
22 that line has been in service since 1962.

23 In terms of routing, we're predominately
24 routing our Sandpiper line adjacent to that line all
25 the way to Clearbrook. From Clearbrook to Superior

1 the proposed Sandpiper line is headed southerly down
2 to Park Rapids, and it's predominantly collocated
3 with the existing Minnesota Pipeline Company,
4 pipelines that eventually route down to the St. Paul
5 refineries.

6 At around Park Rapids, Sandpiper is
7 headed east and following an existing DC power line
8 that's owned by Minnesota Power. And then heading
9 southeasterly back down to an existing corridor and
10 then ultimately back to the Superior terminal in
11 Superior, Wisconsin.

12 So what are the project benefits?
13 There's three main points. One of those is the
14 delivery of the oil and the -- well, where it comes
15 from, all this is Bakken crude out of North Dakota,
16 the western part of North Dakota around Tioga and
17 Beaver Lodge. And being that we're transporting oil
18 from North America, it's going to North American
19 refineries. What that does is it stops imports from
20 countries that are either unstable or unfriendly to
21 U.S. interests.

22 Jobs. During construction there's going
23 to be various contractors that we're going to
24 utilize in construction, and with that comes jobs,
25 and with that comes local jobs. A lot of people in

1 this area are familiar with pipeline construction.
2 Enbridge has been in the business for a long time,
3 we have other existing assets in here in the area.
4 So we do expect our contractors to utilize local
5 resources, not just jobs, but hotels, gas stations,
6 restaurants, and the like. So that's going to be
7 big for the area.

8 In terms of taxes, Enbridge pays a lot of
9 taxes in terms of our assets in the ground. In 2011
10 Enbridge paid \$34 million in Minnesota property
11 taxes. And with Sandpiper coming online, we're
12 looking at around \$25 million annually in Minnesota
13 for property taxes following the first year of
14 operation.

15 In terms of our top goal is safety.
16 Safety is number one. We want to operate our
17 systems in a reliable manner. No incident will ever
18 be accepted to us. We continually invest in new
19 safety technologies and training to protect our
20 employees, residents, and natural resources. And we
21 strive for fair and equitable treatment for
22 landowners and stakeholders alike.

23 Thank you for attending and I hope we
24 have some productive question-and-answer sessions
25 today. Thank you.

1 MR. LARRY HARTMAN: Thank you.

2 Good morning. My name is Larry Hartman,
3 I'm with the Minnesota Department of Commerce. As
4 Tracy mentioned, I'm with the staff called Energy
5 Environmental Review and Analysis. Also with me is
6 Casey Nelson, who is sitting out at the table out
7 there. Casey and I, if you have questions of the
8 EERA staff, we would be the appropriate persons to
9 contact.

10 Last night we held our first meeting in
11 Crookston, we had about 60 to 80 people there. The
12 meeting probably ran until about 9:45. This meeting
13 is scheduled for three hours because we have a
14 meeting in Clearbrook tonight so we'll try to kind
15 of stick to the time schedule today. Last night we
16 did have a lot of questions. A lot of the issues
17 raised last night were impact on headwaters of the
18 Mississippi area, crossing the Red River and the Red
19 Lake River, and a number of other things. Wild
20 rice, and a number of other things like that.

21 And just before -- I'll try to go through
22 a few ground rules before I start. We have a court
23 reporter here today, her name is Janet, and Janet is
24 sitting here. And Janet will need a break after
25 about an hour and a half because her fingers do get

1 a little bit tired. If you do have something to
2 say, we'd ask you to come up to the table. And if
3 you would -- you would not want to raise your hand,
4 we have a speaker registration card, you can fill
5 that out out there, I'll call your name. Otherwise
6 it'll kind of be hands up.

7 We have some people who are kind of
8 following us, which that's fine. I would prefer --
9 my preference is to allow the people here to speak
10 first today. You guys can certainly speak later on,
11 but I would like to hear from the other people
12 first.

13 And when you identify yourself, please
14 spell your name for Janet if it's tricky, and try to
15 speak slowly and clearly also. The reason I mention
16 that, Janet is doing a transcript. Janet will be
17 doing a transcript of all the meetings and they will
18 be available on eDockets for your review. They will
19 also be available on our website and I will identify
20 that site a little bit later on. So it's also
21 covered in the notice that appeared in the
22 newspapers and the notices that were sent to you
23 about this meeting in the mail.

24 We have a meeting tonight in Clearbrook
25 and then we have four meetings next week. We have a

1 morning meeting in Park Rapids, an evening one in
2 Pine River, an afternoon one, morning/afternoon in
3 McGregor, and then our last scheduled meeting right
4 now is for Carlton next Thursday evening.

5 The pipeline routing rules were adopted
6 by the Minnesota Environmental Quality Board back in
7 1988. And a lot of the emphasis on pipeline safety
8 arose out of an incident in Mounds View back in the
9 mid '80s, which resulted in a number of things that
10 have enhanced pipeline safety and the review and
11 permitting of pipelines in Minnesota since then.
12 One of those is the Gopher State One Call system.
13 Kind of the beefing up of the Office of Pipeline
14 Safety and a few other things that I will mention at
15 the appropriate time.

16 So as a result of that, pipelines prior
17 to the rules taking effect were basically permitted
18 county by county. Now we have a state process. So
19 the state issues the permits for a pipeline that's
20 going to be built. And, again, as Tracy mentioned,
21 it's sequential. If the pipeline is larger than six
22 inches, more than 50 inches in diameter, then it
23 needs a certificate of need. The decisions are
24 sequential. If there's a need decision, that means
25 we'll probably then issue a pipeline routing permit.

1 The projects less than that do not need a
2 certificate of need. There's another process that I
3 won't go into called a partial exemption, we have
4 another one of those right now for Minnesota Power
5 converting the Hoyt Lakes coal generating station to
6 natural gas, and it's about a 6,000-foot-long
7 natural gas pipeline and there's only a couple
8 landowners. So the pipeline routing rules were
9 adopted and provides a permitting process for
10 pipelines in the state of Minnesota, so it preempts
11 local jurisdiction in terms of where the pipeline is
12 built.

13 In spite of whether the Commission
14 issues -- well, if the Commission issues a permit,
15 there are also a number of other permits the company
16 has to obtain. Now, when I say preemption, that
17 goes to the location of the pipe. Townships still
18 issue road crossing permits for roads and ditches,
19 counties do the same things for roads and ditches,
20 and there's a number of other state agencies who are
21 involved and I'll address those later on.

22 So a first go-around here, Enbridge
23 submitted an application. I don't have a copy with
24 me, but I think there's one over there. It's a
25 three-volume application, there's a copy out there

1 on the table for review. They have been sent, and,
2 John, have they been sent by CD or paper?

3 MR. JOHN GASELE: CD.

4 MR. LARRY HARTMAN: CD, they've been sent
5 to local libraries which are listed in the notice.
6 They've been sent to all the township clerks crossed
7 by the pipeline route so you shouldn't have to go
8 further than six miles if you want to borrow the CD.
9 They are available from the company on request.
10 Besides libraries, they're also available with the
11 county auditor. I don't know if they've been sent
12 to county commissioners or not.

13 MR. JOHN GASELE: Off the top of my head,
14 I couldn't tell you.

15 MR. LARRY HARTMAN: Okay. And there's
16 probably some others I'm overlooking right now.

17 They've been sent to some of the
18 watershed districts and water planning organizations
19 also, our state agencies.

20 So the purpose of this meeting is to
21 identify issues that will be examined as we proceed
22 in the permitting process. So as I mentioned
23 earlier, when the pipeline rules were adopted,
24 they're also approved or authorized as an
25 alternative form of environmental review. So rather

1 than a separate EIS process and a separate
2 permitting process, it has been kind of folded into
3 kind of one process. And we've permitted a number
4 of pipelines through this process over the years and
5 I think it's fairly effective.

6 So the purpose of the meeting here is, I
7 guess, twofold. One, if you're a landowner, and I'm
8 assuming you're here because you're an affected
9 landowner, you're assuming the existing pipeline
10 might be on your property or crosses your property
11 or maybe it's your mother-in-law's property, you're
12 kind of happy about that, I'm not really sure. But
13 if you have issues or concerns with the other
14 pipeline and you want to maybe not see those issues
15 reoccur, again, this is an opportunity to identify
16 the issues you think we should examine in greater
17 detail. The application covers a lot of the
18 information. Our rules specify a number of things
19 they have to provide in their application, such as
20 social economics, land use, soils, vegetation,
21 wildlife, fisheries, groundwater, surface water,
22 impacts on cultural resources, recreational areas,
23 as well as concerns the individual landowners have.

24 So this would be an opportunity if you
25 have concerns or comments, please submit those to

1 our office by April 4th, as Tracy mentioned earlier.
2 We also have comment forms out there. They are
3 postage prepaid, and you can fill your comments in
4 on those, scotch tape it, and drop it in the mail
5 and it should show up at my desk in a few days.
6 Again, we will also accept comments in other ways
7 and I'll go through those.

8 It's also an opportunity for you to
9 propose an additional line route. Now, Enbridge has
10 identified what they call their preferred route.
11 Under the pipeline routing rules -- and for those of
12 you who are familiar with rules, Minnesota rules
13 chapter 7852. And those rules are available online,
14 I believe they're on our website also, but I should
15 check on that. And those rules indicate, provide an
16 opportunity for people to propose additional line
17 routes. Now, Enbridge has kind of given it their
18 best guess as to where they think this pipeline
19 should be located and they've identified a route
20 that varies in width from 250 feet up to maybe 750,
21 800 feet. Under our rules the route can be up to a
22 mile and a quarter in width, which is fairly broad.
23 The Commission, I guess we've been going through
24 these and trying to narrow the routes down, so
25 Enbridge has done a fairly defined and delineated

1 route.

2 Within that route, they've identified
3 what they call a centerline or a right-of-way.
4 Where the pipeline parallels an existing
5 right-of-way, they might need less space. Where
6 they parallel an existing right-of-way such as line
7 81, maybe they don't need quite as much
8 right-of-way, let's say they need another 40 feet of
9 permanent right-of-way. They will also need what we
10 call temporary work space, which is a kind of line
11 for moving the equipment, to put soil, and a number
12 of other things like that. For road crossings, at
13 least for paved road crossings, railroads, streams,
14 river crossings, they might need what they call
15 extra temporary work space so they can set up their
16 equipment for underground bores or directional
17 drills. Which means that they'll not be doing
18 construction by open trenching or digging, they will
19 be boring through, and that's a several step
20 process. And once that bore hole is completed
21 they'll pull the pipe back through. So to set that
22 equipment up and all those extra temporary work
23 spaces are identified in maps in the application out
24 there on the table.

25 So if you would -- if you think there's a

1 better place for the pipeline on your land other
2 than what Enbridge has proposed, you have an
3 opportunity to make a suggestion or work with
4 Enbridge to adjust that line route or make your own
5 proposal.

6 For example, this is an example from a
7 transmission line project, an electric transmission
8 line project in the Twin Cities area. So the entity
9 proposing that had suggested this. Through the
10 alternative review mechanism, where people can
11 propose routes, two other routes were proposed and
12 accepted by the Commission for consideration.

13 So if you want to make a route proposal,
14 we'd ask that you try to send it to us on a map.
15 Enbridge has detailed route maps out there that are
16 available. And now, again, they're fairly defined.
17 If it fits in that map you can certainly kind of
18 draw it on that and send the map to us. Maps are
19 available from other sources, you can use plat
20 books, county maps, Google maps. You can get
21 American -- or, excuse me, air photos from the
22 government. The State of Minnesota also maintains
23 some aerial photos, I don't know how current they
24 are. If you have questions about that or where to
25 get them, please talk to me afterwards or contact me

1 by phone or e-mail once I'm back in the office so we
2 can provide you, I guess, with assistance on where
3 to locate or track down those maps also.

4 So what we're asking you to do, if you do
5 have a route proposal or another place you think
6 would be a better place for the pipeline to be
7 built, we'd ask that you identify it on a map or
8 aerial photo with as much detail as you can. Then
9 provide some supporting reasons as to why you think
10 that's the better place for the pipeline to be
11 located.

12 Out on the table out there we have a
13 guidance document for route proposals. And it also
14 contains on the back criteria that the Commission
15 goes through. And Tracy kind of mentioned those a
16 little bit earlier in her presentation --

17 MS. TRACY SMETANA: What just happened?
18 It looks like there's no power.

19 (Technical issues.)

20 MR. LARRY HARTMAN: Anyhow, I'll continue
21 with what I was going to say. There's a PowerPoint
22 presentation out there on the table that I'll be
23 going through in here, I guess, also.

24 MS. TRACY SMETANA: You can still click
25 through it on the computer.

1 MR. LARRY HARTMAN: Anyhow, we have a
2 guidance document out there and that kind of tells
3 you how to propose the route. Again, please go
4 through that, review that. If you have questions or
5 you don't quite understand it, please feel free to
6 give me or Casey a call and we'll provide whatever
7 assistance we can to you on that.

8 I'd also encourage you, and I think it's
9 important, you might have concerns as to where it
10 crosses your property. That concern might translate
11 to your neighbor, so I encourage you to work with
12 your neighbors also. So if there are three or four
13 of you and you have some concerns about maybe the
14 route that Enbridge has identified on your land, if
15 you think there's a better place for it on your land
16 or someone else's land, I'd encourage you to work
17 with your neighbors and see if you can come up with
18 a collective solution. Now, again, some groups or
19 organizations might have a different approach to
20 where a route should be. If you're a landowner and
21 you may not have a lot of concerns and think there's
22 a better place for it on your land, that would be
23 helpful for us to identify your particular concerns.

24 Again, there are different ways of
25 looking at projects. Kind of look at it from a top

1 down, which Enbridge might do in terms of planning,
2 but things really kind of work from the bottom up in
3 terms of how it's going to impact you. And
4 Enbridge, I think it's fair to say, is concerned
5 about trying to find the best place to locate the
6 pipeline as proposed. And I think they would like
7 to hear from you on that, as well as the state to
8 hear from you as to what your opinions, your
9 thoughts are on that, or what your issues or
10 concerns might be.

11 If there is specific concerns or impacts
12 you'd like to see, again, please identify those
13 separately. Maybe include an explanation of why the
14 alternative route, potential impact or issue should
15 be included in the comparative environmental
16 analysis also.

17 I think I've provided some examples. For
18 example, with regard to impact in agricultural
19 lands, there were questions last night about soil
20 separation, some of the other typical issues, and a
21 lot of these are addressed in the route permit
22 application already. But it includes, for example,
23 drain tile repair, soil compaction, organic
24 farmlands, irrigation systems, crop losses. They do
25 address that and have proposals for that. Other

1 factors might be proposed land use plans,
2 residential, industrial, natural resource type
3 plans, rural water systems, roads. As I mentioned
4 earlier, townships, counties, those entities all
5 maintain the right to issue permits for road
6 crossings.

7 Other resource issues might be how you
8 cross streams and rivers, wetlands. Now, again, a
9 lot of those are controlled from permits they get
10 from the Minnesota Department of Natural Resources,
11 they have an application to DNR, and DNR will expect
12 to, I think, if the project proceeds, would issue
13 two permits, one for crossing public lands and the
14 other for public crossing waters. And the
15 particular details would be in there.

16 Other issues people are concerned about,
17 forestry, clearing of vegetation, impacts on
18 landscape, wildlife, cultural resources,
19 archaeological. So there are a lot of buckets full
20 of different issues that people might have concerns
21 about as the pipeline may affect them or their
22 perception of that, anyhow.

23 Once the route proposals come in -- and,
24 again, that would be by April 4th -- we would kind
25 of package those up in our office and present that

1 to the Commission for consideration. Now, again, if
2 you say, well, put the pipeline there, we'd like to
3 see some justification for it. You do need some, I
4 guess, reasonable -- I guess it would help for a
5 reasonable explanation of why you think that would
6 be the best place other than just putting it there
7 to get it off my property. Remember, if it's off
8 your property it's on somebody else's property.

9 We'd go through and kind of vet all of
10 those. If we think you're missing information and,
11 again, the information threshold for you will not be
12 as high as it is for Enbridge on these things, we'll
13 tell you what you're missing so we might bounce it,
14 but then we give you the opportunity to refile that
15 and we'd help you and assist you on how to do that.
16 Then we would present those to the Commission.

17 And already I've received a couple of
18 proposals a little bit further east, I've received a
19 number of e-mails, those will all be posted to
20 eDockets and to our website. For those comments
21 that I have received so far, we will wait and
22 collect and sort through all of those and kind of
23 group them by category so you're not just kind of
24 looking at everything, so we'll have some structure
25 to what we file and provide to the Commission. And

1 the Commission will actually determine what routes
2 are to be considered at the public hearing. And
3 that would also determine what route or what route
4 options we look at in the comparative environmental
5 analysis.

6 The comparative environmental analysis is
7 an assessment that examines the impacts of routes
8 accepted for consideration at the public hearings as
9 well as other potential impacts. Now, some people
10 just may want to suggest comments, they have
11 comments they'd like to make. That's fine, that
12 would probably come under the category of other
13 impacts.

14 Route proposals, you're free to make
15 them. If you choose not to, that's fine also.
16 Again, if you do choose to make a route proposal,
17 I'd encourage you to work with your neighbors as it
18 may have some impact on them also.

19 Again, as Tracy mentioned, there will be
20 a public hearing presided over by an administrative
21 law judge. That judge will be Eric Lipman, who was
22 recently reassigned to this docket.

23 And Tracy mentioned docket numbers. Now,
24 there are two docket numbers -- actually, there are
25 three docket numbers right now. The certificate of

1 need is 13-473 and the route permit docket is
2 13-474. The ALJ also assigns a docket to it also.
3 Typically, the ALJ will file everything on both the
4 Commission-maintained dockets, but you can also
5 check the Commission docket where a lot of the
6 exhibits will be filed also once we get into the
7 hearings later on.

8 So, again, that public hearing will be an
9 opportunity for you to present testimony and
10 evidence into the record. Again, the comparative
11 environmental analysis would also be available prior
12 to the public hearings. So after the Commission
13 approves the routes to be considered and we've kind
14 of determined what issues we'll be examining in
15 greater detail, later on then, it will take three to
16 four months to do the comparative environmental
17 analysis. Then other state agencies who have
18 jurisdiction or permit authority may also
19 participate in the process.

20 I know that last night I think there was
21 a representative from DNR at the meeting and I
22 expect someone from PCA tonight, and I know
23 Department of Ag will be at some of the meetings
24 next week. So besides the Commission-issued permit,
25 the Minnesota Department of Natural Resources issues

1 permits for crossing of public lands and waters,
2 water appropriation permits or hydrostatic testing.
3 The Minnesota Pollution Control Agency issues storm
4 water runoff permits, water discharge permits. The
5 Minnesota Department of Health has standards for
6 distances from petroleum pipelines and water wells,
7 which is set at 100 feet. MnDOT issues permits for
8 crossing of roads, state highways. Again, county
9 jurisdiction exists for the country roads, and then
10 township roads.

11 Minnesota Department of Agriculture will
12 be at the meetings next week. They are responsible
13 for authorization and approval of the agricultural
14 impact mitigation plan, or agricultural protection
15 plan. There is a draft of that in the application
16 right now, which outlines Enbridge's practice of
17 crossing and restoring and minimizing impacts to
18 agricultural land.

19 Again, as Barry mentioned earlier, the
20 Office of Pipeline Safety also has a role.

21 The Commission issues a permit and those
22 conditions cover a range of things related to
23 right-of-way preparation, construction, and
24 restoration. Once those activities have been
25 completed, the company can ask us to terminate

1 jurisdiction over the permit. And that's fine, and
2 not that many companies have done that so far.

3 But basically once the project, or I
4 guess the right-of-way has been restored, we no
5 longer have an ongoing responsibility -- or the
6 Commission doesn't really have an active
7 responsibility at that point.

8 The agency that kind of steps in after us
9 would be the Minnesota Office of Pipeline Safety.
10 They also have an interest in the project. They
11 will be somewhat involved in the permitting process
12 through the Commission, but then they have an
13 ongoing responsibility for inspection of the
14 pipelines during construction and annual inspections
15 through the Office of Pipeline Safety.

16 Now, I mentioned Pipeline Safety.
17 Pipeline Safety occurs at different levels. There's
18 a federal Office of Pipeline Safety and they're
19 responsible for administration of the pipeline
20 safety rules, which are in Minnesota -- or not
21 Minnesota, U.S. Code of Federal Regulations Title 49
22 and parts 192 for gas and 195 for the liquid lines.

23 The Minnesota Office of Pipeline Safety
24 is an authorized agent of the federal government so
25 they can inspect both intra- and interstate

1 pipelines. Interstate, interstate pipeline
2 primarily includes exclusively gas that is regulated
3 by FERC, the state does not have anything to do with
4 interstate natural gas pipelines in terms of routing
5 or permitting. Pipeline Safety nonetheless is a
6 designated agent of the federal government and acts
7 on behalf of the feds for inspection of all liquid
8 lines as well as natural gas pipelines in Minnesota.

9 Now, just by background, Minnesota has
10 about 10,000 miles of high-pressure pipelines.
11 About 5,000 miles of crude oil lines, which includes
12 petroleum product pipelines also. About 5,000 miles
13 of natural gas pipelines also. There are also about
14 60,000 miles of natural gas distribution lines. I
15 don't know how many meters there are in the state,
16 but the Office of Pipeline Safety has responsibility
17 for the safety of all of those pipelines so they
18 tend to be fairly busy. They do have regional
19 offices, they have a couple in northern Minnesota,
20 so if the project is built they'll be out monitoring
21 construction activities for compliance with the
22 federal standards also.

23 Again, if the PowerPoint were working,
24 I'd be showing you our website. And it's
25 mn.gov/commerce/energyfacilities -- well, you can

1 read it so I won't. And we have the application
2 posted on our website and we broke it down so it's
3 very kind of discrete, assuming some of you might
4 have dial-up services, so all the complete aerial
5 photos are there and they're listed by county, by
6 township, and by milepost also. So rather than
7 going in and getting 50 megabytes, maybe you will
8 only want to get four or five megabytes. So I'd
9 advise you if you want to print off the color
10 version and what's best -- oh, it's important, if
11 you're going to send me a photo, please send it to
12 me as a PDF file. If you're going to mail it in
13 color that's fine. If you have a color photo and
14 fax it to me it comes to me as black and white,
15 which means I can't read anything if you draw on it.
16 I don't want you to make that mistake because you
17 will get a call saying send me something else.

18 So we'll take the comments by U.S. mail,
19 e-mail, fax, and we have the form out there. I
20 think you can also file comments electronically on
21 our website also.

22 Now, as Tracy mentioned, eDockets is a
23 good place if you want everything. Well, a lot of
24 people don't have an interest in everything. Our
25 website tries to, I guess, have what we consider the

1 more important stuff or at least the stuff that
2 comes from our office that's important to us,
3 anyhow, and we'll do regular postings on that.

4 As I indicated, I have a number of
5 comments already, e-mails, petitions, those will be
6 posted once we get them all grouped and bundled and
7 that will be sometime after April 4th.

8 I think with that I'll perhaps try to
9 conclude this. I'm here to hear what you have to
10 say as to your comments about where it is or what
11 you believe the impacts are, and Enbridge is also
12 willing, they have a panel here, to respond to your
13 questions also.

14 Again, we try to ask you to limit your
15 comments to the issues that you'd like to see
16 considered in the comparative analysis or route
17 alternatives also.

18 So, with that, anybody from the public --
19 I don't have any speaker cards from anybody yet.

20 Yes, John.

21 MR. JOHN GASELE: Hi everybody. My name
22 is John Gasele, I introduced myself earlier. But
23 there are a few folks that came in later on, I'm an
24 attorney from the Fryberger Law Firm in Duluth. I'm
25 here to help the company out with the application

1 process.

2 I thought we might go back through and
3 just give you a quick overview of the panel for
4 those who arrived late and tell you why we're here.

5 North Dakota Pipeline Company brought out
6 its panel of experts. These are the folks that are
7 responsible for designing the project, overseeing
8 the construction, going through the environmental
9 review process, for working with landowners, for
10 dealing with emergency response plans, and the
11 overall strategic plan for why the project needs to
12 be built. So they brought these folks out today to
13 describe the pipeline to you, to tell you about
14 where information is at in the record for you, to
15 point you to where you can find additional
16 information, if we can we can give you more
17 information about some things today. We're here to
18 hear what you're interested in learning more about.

19 As Larry and Tracy mentioned, it's a
20 scoping meeting, it's a very early stage in the
21 process. We're not here today to discuss -- or
22 debate the merits of the project with you, that
23 happens in the context of the administrative law
24 judge's hearings. This is a fact-finding mission
25 for us as much as it is for you.

1 So we'd like to hear about issues that
2 are important to you. We'd like to know what
3 information you'd like to see come into the record
4 down the road. If you have questions about your
5 property, we did bring some folks here today that
6 can answer those questions for you both up here at
7 the table and in the back.

8 And thank you for coming out today and we
9 look forward to hearing from you.

10 MR. LARRY HARTMAN: And who would like to
11 ask the first question? Come on, guys. You're away
12 from your wives, speak up. No questions?

13 Yes, sir.

14 MR. CORKY KLEVEN: Corky Kleven,
15 K-L-E-V-E-N. I'm the county highway engineer for
16 Red Lake County.

17 I have been through the last several
18 pipelines coming through our county, and as part of
19 that we've been the coordinator for all the road
20 permits and the local county and townships, and I
21 would offer that assistance and coordination again.

22 The second comment I would like to make
23 as part of the environmental review process, as we
24 do our projects there are three items of concern in
25 the county, according to the environmentalists.

1 The first one is a white prairie orchid,
2 which I do not believe exists in our county, much
3 less is important. There are two species that are
4 listed as either endangered or threatened. The
5 prairie pocket gopher, and if there's anybody in
6 here who's worried about pocket gophers, please
7 raise your hand, otherwise I would say we are not.
8 The other one is the migratory brown bats. We're
9 going through environmental screening and processes
10 to make sure that we're not having any impacts on
11 the bat population. I wish you well with that one.
12 If you find them, you tell me where they are.

13 I would say previous performance of
14 Enbridge and your contractors, I've been through the
15 last two, I'm hoping for a threepeat. You've done
16 very well, you have restored everything from the
17 standpoint of roads, drainage, et cetera, and you
18 are about the least problems we have in our roads
19 here. You've done very well restoring those and I
20 appreciate that.

21 The fourth one is I fully support your
22 routing on the existing line that you have. I think
23 it gives the most benefit and probably the least
24 cost.

25 If you have any questions for me I'll be

around, but I do appreciate the informational hearings.

MR. LARRY HARTMAN: I have a question. I do other types of energy facility work also, and I know in some cases where we've had road development agreements with developers, and sometimes townships choose to represent themselves. Otherwise I know they defer to an agreement with the county to act on their behalf. Have all the townships given you authority to act on their behalf or have some kept it?

MR. CORKY KLEVEN: I guess I wouldn't say there's been anything formal about it, but I will have it included in the township officers meeting minutes two weeks from now, and if that does not happen, I'll let you know.

MR. LARRY HARTMAN: No, that's fine. Sometimes townships prefer to act independent of county.

MR. CORKY KLEVEN: We only have two townships. If they are not, I'll let you know about that.

MR. LARRY HARTMAN: Thank you.

MR. CORKY KLEVEN: Thank you.

MR. LARRY HARTMAN: I'd like to follow up

1 on what he said, and this goes to depth of burial.
2 The Federal Pipeline Safety rules require a depth of
3 burial of a minimum of 36 inches. And that's from
4 the top of the pipe to the top of the ground.
5 Minnesota adopted a different standard a number of
6 years ago, I believe it was 1979, if I remember
7 correctly, and requires that depth of burial of
8 pipelines on agricultural land to be at a minimum
9 depth of 54 inches from the top of the pipe to the
10 top of the ground. That also applies to drainage
11 ditches and roads also.

12 Now, the road permit authorities can
13 establish their own standards. A lot of times,
14 Enbridge will always check, too, if you have ditch
15 plans and deep clean the ditches, that's a useful
16 piece of information for Enbridge to know and
17 they'll try to go below whatever the future ditch
18 line is by several feet. And that's on an
19 individual basis for each ditch and with the
20 appropriate permitting authority also.

21 Now, if you as the landowner -- sometimes
22 counties might prefer to keep the pipeline the same
23 depth as the other one there when they are
24 paralleling. For the federal standards, I'm not
25 familiar with the depth on it. Enbridge, if you

1 sign an easement agreement, may ask you to sign the
2 waiver, and it's a waiver that you can waive the
3 depth of burial requirement and has to be so stated
4 in language and requires it to be initialed by you
5 separately so you clearly understand what the depth
6 of the pipeline will be on your property. It's up
7 to you if you want to sign it or not. If you choose
8 not to, it should be at a minimum depth of 54 inches
9 then. If you sign it, it will be at least 36
10 inches. If you have future plans for drain tile or
11 anything else like that, you'd want to let them know
12 where there's drain tile, they'll probably try to
13 maintain a foot of separation between the top of the
14 pipe and the drain tile at its lowest point. So I
15 just wanted to mention that.

16 Barry, do you have anything you'd like to
17 say about drain tile at all?

18 MR. BARRY SIMONSON: First of all, I want
19 to thank Mr. Kleven. You haven't been contacted
20 yet, we do have ongoing right-of-way contractors as
21 well as people back at our office that are looking
22 into permits with each county, township, state
23 level. So you'll be hearing from us soon. I
24 appreciate your comments also.

25 In terms of contact with landowners, at

1 this point in time we do have agents out from our
2 right-of-way contract department that are dealing
3 with landowners in terms of acquisition. And
4 they're really trying to find out on their lands,
5 what special features do they have. Is there drain
6 tile? We know in North Dakota, on the eastern side
7 of North Dakota there is drain tile. Is there drain
8 tile here in the western part of Minnesota? There
9 probably is. So we're trying to gather all that
10 data so that we can evaluate the appropriate
11 construction measures so that we, A, miss the drain
12 tiles, if we can find them, or B, if in the event we
13 did have to remove them temporarily we'd be able to
14 fix that back to a condition so that they're
15 optimal.

16 So that's really all I had.

17 MR. LARRY HARTMAN: Thank you.

18 Any other questions? Any of the
19 landowners have questions at all? Any other
20 questions from anyone else?

21 MR. JOHN GASELE: If you are a landowner
22 with a farming operation, I'd encourage you to look,
23 in the application itself there's a document called
24 the Agriculture Protection Plan that's been
25 developed in connection with the Minnesota

1 Department of Agriculture. And it talks a lot about
2 methods for crossing the soils, for preserving
3 topsoil, making sure that drain tile is maintained,
4 and just generally preserving agricultural lands.
5 There is a lot of information in that document. And
6 if you have an interest, that's a good place to
7 start.

8 MR. LARRY HARTMAN: And I believe that's
9 Appendix C in the application, if I remember
10 correctly.

11 Michael. Michael, might I ask you, as a
12 favor or courtesy, I know you made your statement
13 last night, which is fine, I don't need to hear the
14 same thing eight times. The record would reflect it
15 once, 'cause I'm not going to summarize it eight
16 times. So if you have something new to say, fine.
17 If you have the same thing, if you could do an
18 abbreviated version.

19 MR. MICHAEL DAHL: Yeah. Yeah, no, I
20 understand that.

21 Hello again. I still have a number of
22 questions about the routing process. Not only the
23 routing process but the existing route and in both
24 past and future references on this route.

25 A lot of it, as you've already caught on

1 of my questions and comments, will be in regards to
2 environmental purposes. You know, on where the
3 route is going, especially, i.e., the headwaters of
4 the Mississippi.

5 But throughout, I mean, even in this
6 area, you know, hearing endangered species of pocket
7 gophers, I grew up trapping gophers for farmers, you
8 know, getting 25 cents a pair of feet. You know,
9 I'm thinking, you know, even that, you know, does
10 anybody do that anymore? I don't know. It's a side
11 bar of Michael Dahl here.

12 And then the brown bats, you know, again,
13 those are environmental things that we need to take
14 into consideration. You know, within standards, you
15 know, they do aerate the soil. They do help move
16 the soil. Bats, they control the bugs and different
17 things. Everything has its purpose when we look
18 into the environmental issues.

19 When I'm looking at this, and my
20 questions are numerous, as you guys know. Okay.
21 What I want to know is, one, because I'm feeling
22 that in looking at the materials provided to
23 landowners and materials provided to people, that
24 it's very crow (phonetic). Which I understand. You
25 guys are a business, you aren't going to tell us

1 these are the risks that we bring to your area, it's
2 your liability and responsibility to take those
3 risks and search out those risks are on the people.
4 I realize that.

5 Looking at that, okay, the question that
6 I have is in regards to the environment, primarily
7 the wild rice, the Lady's Slippers, the Norway pine,
8 or the red pine, as I know it as. All of these
9 state treasure of the state of Minnesota, is there
10 somewhere or has there been a look into how many of
11 those things are along these proposed routes? How
12 many of our state treasures are along those? We're
13 going to go question by question here.

14 MR. LARRY HARTMAN: I'd like to respond
15 to a couple of the points you raised. On the
16 previous pipeline project for Enbridge, we had a
17 permit and the permit addressed a number of things.
18 For example, we had to put in a turkey mitigation
19 plan and that was to address the concern associated
20 with that. We had a calcareous fen plan, we had a
21 number of plans in the permit. And those things are
22 imposed by the Commission.

23 You know, it's important that -- Enbridge
24 is certainly aware of those things, I think they
25 tried to acknowledge or address those issues. If it

1 is a matter of concern, I appreciate that. However,
2 when the Commission looks at it, we look at
3 conditions to include in the permit and some of
4 those things would be permit conditions. And that's
5 how the state would perhaps respond to some of the
6 things you're asking about. So I don't know if
7 that's germane. Obviously, Enbridge has taken a
8 number of things into consideration.

9 Now, you know, how many exactly of this
10 or that? Well, they've got a pretty good idea of
11 what's out there in terms of road crossings, river
12 crossings, stream crossings, and other things that
13 are affected or impacted by the project. And so a
14 lot of those things will just be addressed through
15 permit conditions if the permit is issued for it.

16 MR. MICHAEL DAHL: Okay. So has Enbridge
17 looked at these things? Is that in your -- in
18 your -- can I find that somewhere if I go to
19 Enbridge, or North Dakota Pipeline being the same
20 thing, can I find that information?

21 MR. JOHN GASELE: I think we'll ask Sara
22 to describe just generally what the environmental
23 information report is in the docket.

24 MR. MICHAEL DAHL: Yeah, I have a lot of
25 questions for Sara now.

1 MS. SARA PLOETZ: Yep.

2 MR. JOHN GASELE: You know, I think you
3 identified a number of things to address as the
4 review process moves forward, sort of scoping
5 comments, rather than, you know, I don't think you
6 need an exact count of species right now. But, you
7 know, impacts to that species of tree in general is
8 a good thing to look at in the scoping process as we
9 move ahead. So, with that, I'll turn the mic over
10 to Sara.

11 MS. SARA PLOETZ: Can everyone hear me
12 all right in the back if I don't use the mic?

13 Again, my name is Sara Ploetz. Good
14 morning, Michael, I appreciate you being here.

15 What I'll do is just kind of give you a
16 general overview of what Enbridge does for
17 consultations and surveys for threatened and
18 endangered species.

19 So we do identify in our environmental
20 survey corridor, and that's outlined in the
21 application and the environmental information report
22 to be anywhere from 250 to 450 in width. In
23 consultation with really the two main entities that
24 we work with for biological surveys or threatened
25 and endangered species would be the U.S. Fish and

1 Wildlife Service at a federal level, and the
2 Minnesota Department of Natural Resources in regards
3 to state listed species.

4 So we have reached out to both of those
5 agencies early in April of 2013, prior to conducting
6 our field surveys, to find out from them known
7 occurrences of threatened and endangered species
8 within the state and the counties that we're
9 crossing. As well as to outline our survey methods
10 and protocols, so how we're going to go out and
11 actually do these surveys. And the methods are
12 approved by those agencies to make them comfortable
13 about the data collecting and is appropriate for the
14 way they would like to review it when we get in the
15 consultation process.

16 So we have been engaged with them and we
17 have received a lot of information from both of
18 those agencies as to the species that they're
19 concerned about and they provided what they would
20 like us to survey for. So that's the first step.
21 And that's information described in the
22 environmental information report.

23 And regarding surveys, I don't have
24 specific numbers that I can provide at this time.
25 And we are moving forward with consultations that

1 would then play into the permitting process with
2 both of those state and federal threatened and
3 endangered species as we move through this
4 permitting process, as well as the license to cross
5 public lands with the Department of Natural
6 Resources and the license to cross public waters.

7 So the surveys that were conducted this
8 past summer absolutely do tie into the routing. So
9 we are taking those into consideration and we've
10 worked with the appropriate entities to identify
11 them and make sure that we are addressing them.

12 MR. MICHAEL DAHL: Okay. So in these --
13 in the environmental service corridor, you said?

14 MS. SARA PLOETZ: Environmental survey.

15 MR. MICHAEL DAHL: Survey what?

16 MS. SARA PLOETZ: Environmental survey
17 corridor.

18 MR. MICHAEL DAHL: Okay. And that can be
19 found within Enbridge documents?

20 MS. SARA PLOETZ: Yep.

21 MR. MICHAEL DAHL: So with that, then,
22 and looking at that, are there also, with all of the
23 other current pipelines that are in existence, be
24 it -- being you guys are here, Enbridge itself, with
25 the current pipelines that are within Enbridge's

1 responsibility, are there any studies showing the
2 environmental impacts of existing pipelines on
3 what's happening in those areas as well? You know,
4 has it had any impacts on the environment, just the
5 pipe itself, I'm not even talking about the leaks
6 right now and spills that have happened along those.
7 Upsetting the soil,.

8 I understand, you know, they're doing the
9 best that can be done, you know, in removing the
10 topsoil and trying to put it back where it was, you
11 know. But growing up on a pipeline, it's changed.
12 You know. No matter what you do, if you upset that,
13 if you flip that soil upside down, you're going to
14 put it back not the way it was so it is going to
15 change. You're doing the best that you can to
16 prevent the change, I understand, but has there been
17 any studies and are those also available for us to
18 reference in what's happened to the environment in
19 existing pipelines while looking at this current
20 route?

21 MS. SARA PLOETZ: What I can address for
22 you, Michael, is that we often do long-term
23 monitoring after construction and that is part of
24 the permit conditions through the agencies that we
25 work with. We do continue to look at the areas that

1 we construct to ensure that we have restored the
2 land to preconstruction conditions in the area where
3 we have the temporary impacts. So specific studies
4 would reference these long-term monitoring that's
5 required by the agencies and entities.

6 MR. MICHAEL DAHL: Okay. So given,
7 again -- I mean, there's so much because this is the
8 routing process that we're in and it is still kind
9 of speculation and figuring stuff out, you know.
10 What happens then is Enbridge's stance, you know,
11 even any other place that upsets the natural order
12 of things, like going through a wetland, preserving
13 another spot. Or if you cut down X amount of trees,
14 you plant X amount of trees and all that kind of
15 thing. Where can I find that on what Enbridge's
16 plan is on if there are trees? Because, really,
17 unless you know the area, you know, and I grew up
18 around here, the Sandpiper, I know that area, in my
19 area. The Clipper I know really well through Cass
20 County and Beltrami County, I grew up there, you
21 know, and I see firsthand how it's changed, that
22 corridor of pipe. So is there, you know, is there
23 somewhere that we can see that, you know, on what's
24 being done to preserve? 'Cause that's our, you
25 know, that's what northern Minnesota is known for.

1 You know. We are pretty much the last of natural --
2 of the natural world.

3 MS. SARA PLOETZ: Sure. You've got a
4 couple of items in there that I'd like to address.

5 First of all, we do have right-of-way
6 staff that go out and work with the individual
7 landowner to determine areas on their property that
8 are of concern, or features they would like to make
9 sure are protected. And that's communicated in our
10 construction line list to our contractor. And that
11 might include areas that you're discussing right
12 now. So that's one part of the process.

13 You mentioned wetlands, so I'll address
14 that next. That would be compensatory mitigation
15 and working with the Army Corps of Engineers.
16 That's part of their federal process and permit
17 requirements for any permanent change in wetland
18 types that may be occurring along the construction
19 route. So we do provide mitigation and they
20 determine what that mitigation looks like, and
21 that's a ratio, and if you're changing from one type
22 of wetland to another. So that's part of the Army
23 Corps of Engineers process, and we do also work with
24 the local government units through that process. So
25 that's kind of wetlands mitigation and how that's

1 accounted for in the process.

2 And the third part is, in regards to tree
3 impacts, I would just touch upon, Enbridge does have
4 a voluntary neutral footprint program. And really
5 the goal is to hold our footprint, construction
6 footprint, to 2009 levels. It's a commitment that
7 we've made to plant a tree for every tree that's
8 removed during construction of a certain size, so it
9 would be like a marketable or sellable size tree.
10 The trees are not always necessarily replanted in
11 the area that they're removed. But understanding
12 the importance that they play, we have committed
13 absolutely to doing that. And that program is, like
14 I said, voluntary, and we understand the importance
15 of it.

16 It also is preservation of acreage of
17 lands as well as regenerating whatever use of --
18 kilowatt of energy for every -- what will generate a
19 kilowatt of renewable energy for every kilowatt we
20 use.

21 MR. MICHAEL DAHL: Okay. Also going
22 along with the routing process and looking at the
23 route and, there again, there's a lot of
24 responsibility on the common public to really
25 research a lot, you know. And as Tracy said, a lot

1 of it is not user-friendly, you know. But in
2 looking at the route, a lot of the route of the
3 Sandpiper, once you get into really rural areas, you
4 know, we're looking at tax forfeiture lands in the
5 county. Where does that process lie, who has the --
6 and who do you consult with when you're wanting to
7 go through wetlands?

8 In my own mind, Hubbard County, which
9 will be next week, but that's right at the
10 forefront. But I know there's other tax forfeiture
11 lands along the route as well. How do you get the
12 easement, how does that process work when you're
13 working with tax forfeiture land?

14 MS. SARA PLOETZ: I can't speak
15 specifically to easements, I can say --

16 THE WITNESS: Or right-of-ways, or who do
17 you get the permission from in tax forfeiture for
18 that area?

19 MS. SARA PLOETZ: Sure. The Minnesota
20 Department of Natural Resources does, through their
21 license to cross public lands process, they
22 administer the tax forfeiture lands.

23 MR. MICHAEL DAHL: Okay.

24 MR. LARRY HARTMAN: In some cases
25 counties also administer tax forfeited lands, so it

1 might be two levels. And generally the money that
2 reseeds from that is for the school districts.

3 MR. MICHAEL DAHL: Okay.

4 MR. MARK CURWIN: Like we were talking
5 about last night, Michael, we will identify who is
6 the owners of the lands and whether it's a private
7 landowner or whether it's been tax forfeited.

8 MR. MICHAEL DAHL: It's my understanding
9 that tax forfeiture land is actually state land.
10 State/public land.

11 MR. MIKE BRADBURN: Some of the state tax
12 forfeited land is administered through the counties
13 also.

14 COURT REPORTER: I'm sorry, could you
15 tell me -- I don't know who you are.

16 MR. MIKE BRADBURN: Mike Bradburn.

17 COURT REPORTER: And can you repeat what
18 you said, please?

19 MR. MIKE BRADBURN: I said that some of
20 the state tax forfeited land is administered by the
21 counties.

22 MR. MICHAEL DAHL: And administered
23 meaning -- like, who is the actual -- I administer
24 for my children. My children are mine, okay. So
25 that's what I'm asking for, in that metaphor. Is

1 the state -- is the county tax forfeiture land
2 actually state lands that are entrusted in the
3 state, say here in Polk County, Clearwater County,
4 you guys handle this, but the state handles that?

5 MR. MARK CURWIN: In some cases that's
6 correct.

7 MR. JOHN GASELE: And in others the DNR
8 will be involved. I think it depends largely on the
9 parcel.

10 MR. MICHAEL DAHL: The reason I ask that
11 again is because it comes back to the whole treaty
12 consultation thing. That's where, as sovereign
13 nations, the consultations and the negotiations are
14 strong, stronger, and apply to state and federal
15 land. So that's where we're still trying to figure
16 out, you know, I mean, nine out of ten people in the
17 world have no clue about the trees within the
18 region. Again, it's going to fall back to 106, but
19 this is what I'm trying to figure out.

20 MR. LARRY HARTMAN: Michael --

21 MR. MICHAEL DAHL: You know, state lands
22 and --

23 MR. LARRY HARTMAN: Michael, a lot of
24 times the state lands are managed primarily for
25 forest production, beyond organized territories, so

1 it's considered merchantable timber on a lot of
2 those lands and that's what it's managed for. So
3 whether Enbridge builds the pipeline or not on those
4 lands, the timber is more than likely going to be
5 cut at some point in time.

6 MR. MICHAEL DAHL: Is that another
7 reference to a good criminal, bad criminal kind of
8 thing?

9 MR. LARRY HARTMAN: No, it's just a fact.

10 MR. MICHAEL DAHL: So that's what I'm
11 asking, though, state lands, county lands, how does
12 this process work?

13 MR. LARRY HARTMAN: Michael, I'd like to
14 stop you on that point because we're not here to
15 really debate that, that's nothing to do with
16 scoping. If you want to direct it to us in terms of
17 a scoping comment, fine, I would appreciate that and
18 we'll look into it. But it doesn't do any good to
19 ask Enbridge the question because it's going to be
20 the state's comparative environmental analysis.

21 MR. MICHAEL DAHL: That's why I'm asking,
22 I'm asking the question. My understanding was that
23 this was an informational thing and asking
24 questions. You know, I'm asking questions to try
25 and understand so when we make more comments and we

1 make comments that we're understanding what we're
2 commenting on and those kinds of things and who we
3 make our comments to. You know, I understand
4 Enbridge's role, I understand that, they're a
5 business, they're a corporation.

6 MR. LARRY HARTMAN: And they'll approach
7 the appropriate entity who manages that land. Now,
8 I was involved with the Alberta Clipper project, and
9 so if I go back and look at that project now in
10 hindsight as to what was done, okay, the project was
11 built. I believe it required in the neighborhood,
12 if I remember correctly, if I add up all the permits
13 issues, either by the feds, the state, the counties,
14 townships, watershed districts, I think it is
15 probably -- I want to say about 450 some different
16 permits they had to obtain or acquire to build that
17 pipeline. So there's a lot of permitting that goes
18 into it at both the federal, state, local, and
19 township level.

20 In terms of feedback, we had monitors out
21 there, so I got kind of reports every day. So
22 irrespective of what was done or what wasn't done,
23 in terms of there are a lot of permit conditions
24 they had to comply with, which they normally do.

25 In terms of compliance, I think they've

1 met their regulatory requirement with regard to what
2 the permits expect of them. And if something goes
3 wrong, then I might get feedback on that. To date,
4 I haven't really had much feedback.

5 Now, with regard to landowners, I believe
6 there are 12, 13, 1400 landowners in that project.
7 I basically have had, I think, issues not with them,
8 but there were several landowners who probably have
9 ongoing issues. But for the most part the company's
10 come back and asked landowners to sign a release
11 indicating the work has been performed in a
12 satisfactory fashion.

13 John, you filed the last two annual
14 reports, I don't remember what percentage of the
15 landowners had signed releases to date, do you?

16 MR. JOHN GASELE: No, off the top of my
17 head, I don't.

18 MR. LARRY HARTMAN: But it's quite high,
19 and I have the numbers probably back in my office.

20 MR. MICHAEL DAHL: This is Sandpiper?

21 MR. LARRY HARTMAN: No, I'm saying
22 Alberta Clipper. So in terms of looking at that,
23 you know, as an entity, they have a lot of issues,
24 the same issues are being dealt with again. Perhaps
25 new ones will surface also, which is fine, but

1 there's typically a way of dealing with all of those
2 things either through the permits they need to
3 obtain or the issues raised and addressed.

4 Now, again, we've had more people come in
5 here. I'd like to hear from the landowners again.

6 MR. MICHAEL DAHL: Okay, yeah. Quick
7 question.

8 MR. LARRY HARTMAN: So we've heard your
9 comments, I'd like to give other people the
10 opportunity to --

11 MR. MICHAEL DAHL: One more question,
12 then, to get an answer. Who issues the okay on tax
13 forfeiture land?

14 MR. LARRY HARTMAN: DNR, the land for
15 public lands and waters.

16 MR. MICHAEL DAHL: So on the tax
17 forfeiture lands, it's the DNR that says, okay, you
18 can go through this tax forfeiture lands.

19 MR. LARRY HARTMAN: The ones that they
20 administer or manage. The county on ones they don't
21 have responsibility for.

22 MR. MICHAEL DAHL: Oh, boy.

23 MR. LARRY HARTMAN: For example, Carlton
24 County, to my knowledge, manages some tax forfeited.

25 MR. MICHAEL DAHL: Okay. All right.

1 Well, thanks again. I'm getting a little more
2 understanding, I'm getting there. I appreciate your
3 answers tonight. We're still looking for answers
4 from last night's questions, but we'll get there.

5 MR. LARRY HARTMAN: I have a question,
6 Michael. Have you looked at the application? Have
7 you read it or reviewed it?

8 MR. MICHAEL DAHL: I tried. It's
9 confusing. It's really, really confusing. That's
10 why I'm asking the questions.

11 MR. LARRY HARTMAN: Actually, a lot of
12 the information is there.

13 MR. MICHAEL DAHL: Yeah, a lot of it is,
14 but these questions are ones that aren't answered in
15 that. Yes, I have read it, yeah. And I do
16 research, you know, and I'm doing my best to try and
17 understand for people that don't have a clue.

18 MR. LARRY HARTMAN: All right. Thank
19 you.

20 MR. MICHAEL DAHL: Thank you.

21 MR. LARRY HARTMAN: Maybe I didn't
22 mention this earlier. I guess I did mention it.
23 Janet needs a break, and we've been at it for about
24 an hour and a half. So, Janet, about 10 minutes?
25 15? 15. So why don't we come back at -- I have

1 12:26 on my watch, so how about 12:41.

2 There is beverages out there, and
3 cookies, and they look pretty good. I've already
4 taken my two cookies, so.

5 (Break taken from 12:27 to 12:48.)

6 MR. LARRY HARTMAN: I've got three
7 speaker cards. I'll just call Renee Walker.

8 MS. RENEE WALKER: Hi. I'm from Cloquet,
9 my name is Renee Walker.

10 You know, can you guarantee 100 percent
11 that it will not affect the water that you guys do
12 plan to go through? Because a lot of the waterways
13 are, you know, the clearest lakes in Minnesota. And
14 we are on the largest fresh waters in the U.S., and
15 the trail that you plan to build your pipeline on
16 affects 90 percent of the world's fresh water. And
17 if that gets contaminated, have you thought about
18 the global effects that that would have?

19 MR. BARRY SIMONSON: I could probably
20 address that. From a preparation perspective with
21 engineering and construction, we do a very detailed
22 process in terms of planning, planning our project
23 out. When I say that, I talk about all the
24 materials that we use with the pipe, the steel pipe.
25 The quality inspections at the mill, down to the

1 fusion epoxy that we use. The appropriate wall
2 thicknesses that we use based on regulations from
3 the federal side, as well as industry standards. So
4 we use high-grade materials.

5 Also, in terms of the specifications that
6 we use are world class, in our view, as well as from
7 the Pipeline Hazardous Safety Administration. So in
8 terms of the preparation piece, yes, we do a very
9 rigorous job. In terms of preparation with our
10 other quality, the environmental group, regulatory
11 engineering and construction, we deal with all the
12 appropriate regulatory agencies for the construction
13 methods that we utilize based on the ecologically
14 sensitive areas, waterways, rivers, all that. So
15 that when we do go into construction and we inspect
16 the pipeline that's being built, that ensures the
17 quality and integrity of the asset with the
18 operations group when the pipeline does go into
19 operation.

20 MS. RENEE WALKER: Okay. So your safety
21 rating, I know it's in the 99 percentile. What is
22 the math based on that for how many, like, barrels
23 that were pumped compared to how many that were
24 spilled? What is the -- how did you come up with
25 that figure?

1 MR. JOHN GASELE: I don't know that
2 anybody here is going to have that math for you. If
3 you look at the application itself, in section 0270
4 of the certificate of need application, there's a
5 lot of information about preventative measures for
6 maintenance and inspections, so that might be a good
7 spot for you to go to to look for information about
8 that subject.

9 MS. RENEE WALKER: It's .07 percent,
10 what's that percentage of spillage that that fact
11 was based on?

12 MR. JOHN GASELE: Again, the application
13 does have the release history information in there,
14 so I'd refer you to that document. I wouldn't be
15 able to give you that math off the top of our heads.
16 But that information is in the record in the
17 certificate of need application, specifically 0720.

18 MS. RENEE WALKER: Okay. And also, as
19 far as like the crude oil, the environmental impact
20 study, it has not been done in this area. It has
21 been done on the petroleum product, and the fact
22 that it kills all living things. Can you guarantee
23 one hundred percent it will not affect our
24 ecosystems, our wildlife around us?

25 MR. LARRY HARTMAN: Renee, I guess I'd

1 like to offer a comment here. You know, Enbridge is
2 in the business of building pipelines. They're also
3 in the business of managing those pipelines and
4 operating them safely. If you look at statistics,
5 about 67 to 75 percent of pipeline incidents are
6 caused by third party damage. So irrespective of
7 what Enbridge does from a safety perspective, if
8 something is going to damage a pipeline it's
9 probably an outside source not related to Enbridge.
10 They're in the position of having to respond to that
11 event or occurrence when it happens.

12 Now, if you're looking for certainty or
13 guarantees, there are none. Everything is based on
14 risk aversion in our society. Ask insurance
15 companies, actuaries, you know, everything is based
16 on percentages. Again, it's their intent to operate
17 the pipeline safely.

18 Now, the fact that incidents may happen.
19 If they do, an incident happens in any number of
20 things in our life. I can drive as safely as I want
21 to, I can be a very defensive driver. But if some
22 yahoo is coming on the road the other way texting or
23 smoking or putting makeup on and they run into me,
24 well, I pay the penalty for that. Maybe they're
25 paying the penalty, too.

1 So in terms of guarantees, there are no
2 guarantees for anything we do in our lives. The
3 fact that we're held accountable for things that we
4 do, they're also held accountable with regard to
5 complying with the Office of Pipeline Safety
6 regulations, and if there are damages, the response
7 for the cleanup of those damages also.

8 MS. RENEE WALKER: As far as that goes,
9 isn't it -- if it's under five barrels they don't
10 have to report it?

11 MR. LARRY HARTMAN: Again, it's five
12 gallons.

13 MS. RENEE WALKER: And if it's under
14 that, what do they do?

15 MR. LARRY HARTMAN: If it's under five
16 gallons?

17 MS. RENEE WALKER: Nothing, they don't
18 have to clean it up?

19 MR. LARRY HARTMAN: If they're aware of
20 it they're going to clean it up.

21 MR. JOHN PECHIN: I'm John Pechin,
22 P-E-C-H-I-N.

23 We always clean everything up. So if it
24 doesn't meet the threshold, we don't just say, okay,
25 and leave it that way. That all gets cleaned up.

1 MS. RENEE WALKER: Aren't you still
2 cleaning up the Kalamazoo incident still?

3 MR. JOHN PECHIN: Yes, we're still
4 working at that.

5 MS. RENEE WALKER: Okay. Thank you.
6 That was it for me.

7 MR. LARRY HARTMAN: The next speaker,
8 Justin Keezer.

9 MR. JUSTIN KEEZER: Hello. My name is
10 Justin Keezer, I'm from Nashwauk, Minnesota, I live
11 in Menahga, Minnesota right now.

12 COURT REPORTER: Can you spell your name
13 for me, please?

14 MR. JUSTIN KEEZER: J-U-S-T-I-N,
15 K-E-E-Z-E-R.

16 Traditionally, every year, I harvest.
17 And all of the water that you guys are running your
18 pipeline through is all connected.

19 How can you guarantee that what you're
20 doing isn't going to affect my rights, our rights?
21 I mean, that's something that belongs to our people
22 and that's how we survive. How can you -- are you
23 going to be able to guarantee 100 percent that
24 that's not going to affect our rights, our water, or
25 our way of life?

1 MR. JOHN GASELE: Well, we're at a
2 scoping meeting right now, and I think that that's
3 been an issue identified yesterday as something you
4 folks would like to see reviewed in the comparative
5 environmental analysis. So we may not be able to
6 give you an answer on that subject right now.

7 But, as I said at the start of the
8 presentation, this part of the meeting here is just
9 to gather ideas and gather people's thoughts on what
10 should be reviewed as the process moves forward.
11 We're just at the very initial stages right now.
12 And that's something that I think will probably be
13 developed as the application process goes forward.

14 MR. JUSTIN KEEZER: And there's also,
15 beyond the wild rice, I spent the better part of 20
16 years working for the Department of Natural
17 Resources as a firefighter during the summertime and
18 I know that there's hundreds of native indigenous
19 prairie grasses that grow around here and this is
20 the only place in the world that they grow. And a
21 lot of that is we use traditionally, what is the
22 impact on that, how is that going to be the overall
23 environmental impact and how is that going to affect
24 us? Because that's how we survive, you know. You
25 guys might survive some other way, but this is how

1 we survive. Are you going to guarantee that, that
2 if you guys have a spill and it rubs off, you know,
3 eliminates all of that, are you guys going to
4 guarantee our way of life?

5 MR. MARK CURWIN: Regarding the native
6 prairie grasses, those are the types of issues that
7 would be reviewed in the 106 process. That's
8 government to government. So the United States
9 government will consult with your government, your
10 sovereign nation, to identify any resources and
11 concerns that they have. Things like what you're
12 mentioning, those will be taken into consideration,
13 then, with how we go about constructing the
14 pipeline.

15 Can we guarantee that nothing will ever
16 happen? As Mr. Hartman just indicated to the
17 previous speaker, of course not. We're all human
18 and none of us are infallible. Can we do whatever
19 we can to ensure something doesn't happen? Yes.
20 And we do. And as Mr. Simonson said at the
21 beginning, our number one priority is to operate our
22 system safely and reliably. Our goal is to have
23 zero incidents on our system. Are we perfect yet?
24 No. Are we better than we were before? Absolutely.
25 And our statistics, not just for our own assets, but

our industry show that we are getting better at this every year.

If something were to happen we would take full responsibility for it. And, frankly, the evidence of that is marginal. I understand we're still there and, yes, we're still working with the regulators to ensure that any impacts that have occurred because of that incident we're taking care of. And we're still there three and half years later and that's the commitment to the communities that we operate in.

MR. DARREL KEEZER: I just have one question. Can you guarantee my way of life?

MR. MARK CURWIN: I just said nobody can
guarantee --

MR. DARREL KEEZER: You just got done
saying --

MR. MARK CURWIN: We take
responsibility --

MR. DARREL KEEZER: Can you ensure my way of life back to me? And my children's way of life? My great-grandchildren's way of life?

MR. LARRY HARTMAN: Sir, would you
mind --

MR. THOMPSON: I just had to ask him on a

1 question he just answered a little while ago, and --

2 MR. LARRY HARTMAN: Sir, Mr. Keezer is at
3 the table here.

4 MR. DARREL KEEZER: I'm a Mr. Keezer,
5 too, sir.

6 MR. LARRY HARTMAN: Okay. Well, I'm
7 going to call on you next, also, so if you'd wait
8 your turn, I'd appreciate it.

9 Justin, I have a couple questions for
10 you, if you don't mind. When you mentioned wild
11 rice, are you talking about cultivated wild rice or
12 wild wild rice?

13 MR. JUSTIN KEEZER: I'm talking about our
14 wild rice.

15 MR. LARRY HARTMAN: Michael raised the
16 issue last night and I did call the Department of
17 Agriculture this morning to ask them about that. I
18 think the study I referenced last night had to do
19 with the impacts of sulfites on wild rice, and that
20 might have been handled more by the Pollution
21 Control Agency. And I think for Ag they had
22 indicated DNR might have some responsibility, so I'm
23 trying to get that sorted out. But I was trying to
24 distinguish between the different types of wild
25 rice, just so --

1 MR. JUSTIN KEEZER: Well, there's only
2 one wild rice.

3 MR. LARRY HARTMAN: Well, the market
4 might indicate that there's more than one type.

5 MR. JUSTIN KEEZER: There is, but this
6 is -- this is the rice that's ours, that we harvest
7 every year on an annual basis.

8 MR. LARRY HARTMAN: Okay. Thank you.

9 MR. JUSTIN KEEZER: Thank you.

10 MR. LARRY HARTMAN: The other card I have
11 is from Darrel Keezer.

12 MR. DARREL KEEZER: I have nothing at
13 this moment. Thank you.

14 MR. LARRY HARTMAN: Thank you.

15 MR. DARREL KEEZER: I just had one
16 question, I said what I wanted.

17 MR. LARRY HARTMAN: Does anyone else have
18 any questions?

19 MS. ALYSSA HOPPE: I suppose I'll ask
20 some questions. I'll try to be more brief than I
21 was yesterday. My name is Alyssa Hoppe, I won't
22 spell it, I think you've got it.

23 So, Mr. Hartman, you had said that
24 Enbridge is asking landowners to work together in
25 their community to provide alternative routes if

1 they so choose; is that correct?

2 MR. LARRY HARTMAN: Yes.

3 MS. ALYSSA HOPPE: And so landowners are
4 expected to work together without compensation to
5 provide alternative routes for your company.

6 And something I learned last night from
7 Willis Mattison of the Friends of the Headwaters is
8 that there are GIS shapefiles that have not yet been
9 released by Enbridge to the public, due to the
10 Freedom of Information Act, which states that
11 because of national security issues Enbridge is not
12 required to release that information. That was news
13 to me, you know, that there is a national security
14 issue around the location of this proposed pipeline.
15 So my question is, who is that risk to and what is
16 that risk?

17 MR. JOHN GASELE: Yeah, the designation
18 that you're asking about is called Critical Energy
19 Infrastructure Regulation. Those are regulations
20 that the federal government promulgated about a
21 decade ago and they apply to a number of different
22 energy projects.

23 And it has to deal with the security of
24 the nation's energy infrastructure, be that power
25 lines in some cases, characteristics of other energy

1 projects, and it also actually does apply to certain
2 data files related to a pipeline project like this.
3 We do have maps out there that provide all that
4 information. And it's a federal law that says these
5 are protected bits of data so we can't release that
6 publicly.

7 What I can say is if you're interested in
8 putting in a route alternative, we do have some maps
9 available out there, you can print them off the
10 websites that both Tracy and Larry had mentioned.
11 You can find them on the disks that are in the
12 libraries, the soil water conservation district
13 offices. And what is required to submit a route
14 alternative is not the data from that shapefile.
15 It's a line that you would draw on a map and say I
16 think that this is a better route because of A to Z.

17 MS. ALYSSA HOPPE: So it's not just the
18 line, right, this is a pipeline that will eventually
19 be, you know, potentially going through this land.
20 So it's not just a line on a map. And that
21 information would be useful. And I feel like that
22 was avoiding the question. And maybe you can't
23 answer it since it's a federal law, but I guess I'm
24 just confused as to what is the national risk posed
25 by providing the public with that data?

1 MR. JOHN GASELE: I guess that would
2 really be a question for Department of Homeland
3 Security. I'm sorry, it's a federal law.

4 MS. ALYSSA HOPPE: That's fine. It just
5 seems like it would be useful information to people
6 who want to really consider and compare different
7 routes. And I work with a number of landowners,
8 farmers, and different organizations who are working
9 on this. We've created that GIS tracking system for
10 the pipeline in Carlton County already, and we
11 intend to do it for the rest of the pipeline. Like
12 Willis Mattison was saying, it is unfortunate that
13 you guys are requiring landowners to do the extra
14 work that will eventually be made public anyway.

15 MR. JOHN GASELE: Just a process
16 clarification. The comparison of the route
17 alternatives that folks submit to the route that's
18 been proposed by North Dakota Pipeline Company is
19 actually the responsibility of the state. We don't
20 do that work, it's not something that a citizen is
21 required to do. That's all performed by the Public
22 Utilities Commission and the Department of Commerce.

23 MS. ALYSSA HOPPE: Right. And I realize
24 you guys are not required to do that. I simply ask
25 because, in the best interest of your company, it

1 seems like it would make sense for you guys to work
2 more directly with the community members that are
3 really interested in this issue.

4 And I'll end my comments by saying that,
5 yes, there are no guarantees in life, but if we
6 don't put this pipeline in we can guarantee that it
7 won't spill.

8 MR. LARRY HARTMAN: I'd like to follow up
9 on a couple of points.

10 MS. ALYSSA HOPPE: Okay.

11 MR. LARRY HARTMAN: If you go to the web
12 page of the Office of Pipeline Safety --

13 MS. ALYSSA HOPPE: Okay.

14 MR. LARRY HARTMAN: You go in and track
15 where pipelines are at the county level by mileage,
16 by type, by company, a number of other factors. So
17 all the information is there, it's broken down at
18 the county level.

19 MS. ALYSSA HOPPE: Right.

20 MR. LARRY HARTMAN: You can get an
21 overview map. You can register with the Federal
22 Office of Pipeline Safety to gain access to the
23 registration system. It's not that hard to do, you
24 need an e-mail address, they'll send you a password
25 if you passed whatever requirements they have. I've

1 managed to do it, I guess, but I seldom use it.

2 MS. ALYSSA HOPPE: Can you tell me the
3 name of that? Because I think I actually tried to
4 do that and I think it told me that I couldn't
5 participate in that because I wasn't a party in
6 cases. Maybe I'm just doing it wrong.

7 MR. LARRY HARTMAN: That I don't know. I
8 was able to get it and I just did what they asked.
9 I think it asked a few questions, it's been years,
10 and I think I've only used it once or twice, so I
11 don't find it to be a lot of value to me. Now, if
12 you're proposing something, you know, the Data Deli
13 files are available to anybody who logs into the DNR
14 site.

15 MS. ALYSSA HOPPE: Okay. Well, thank you
16 for your time, all of you, I appreciate it. And I
17 hope that we really can continue to work together
18 more in the future. Because it's, I believe, in
19 your corporation's best interest to work with the
20 citizens that are concerned about this project.

21 MR. LARRY HARTMAN: Thank you.

22 Are there any other comments or questions
23 regarding route proposals? Comments by the April
24 4th deadline.

25 If not, we'll draw the meeting to a

1 close. And you're free to grab cookies or whatever
2 else you'd like. Enbridge representatives will
3 probably be here if you have questions of them, I'll
4 be here for a while longer for questions also.

5 If you're so inclined, we will have the
6 meeting in Clearbrook tonight, either with a
7 projector or without a projector, I don't know. If
8 you have a light bulb, bring it along, otherwise we
9 won't have one.

10 Again, if you have any questions, I've
11 got my business card out there, my e-mail address is
12 on it, my cell phone number. For those of you who
13 are busy during the day and can't call me, I do take
14 calls on my cell phone in the evening. I realize --
15 and I do that just to accommodate people because I
16 know you're busy also and generally people don't
17 abuse that so I don't mind doing it. If you have
18 any questions between now and April 4th, any time
19 after April 4th, feel free to contact me or Casey
20 Nelson out there at the table also.

21 Again, I'd like to thank you for
22 attending and, again, I'll be here for awhile if you
23 do have any other questions.

24 Thank you.

25 (Meeting concluded at 1:04 p.m.)